

## October 4<sup>th</sup>, 2021

The City Council meetings are open to the public attending in person, with masks encouraged when social distancing cannot be accomplished. If the public does not wish to participate in person, they are also invited to participate via a Zoom meeting. You can participate via phone:

**Meeting ID: 872 5340 7035      Passcode: 432809      Call: 1-346-248-7799**

1. **CALL TO ORDER:** The regular meeting of the Sidney City Council was called to order by Mayor Norby at 6:30pm.
2. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was stated by all present.
3. **ALDERMEN PRESENT:** Stevenson, Rasmussen and Sergent, Christensen via phone. Absent: Godfrey and Koffler
4. **CORRECTION OR APPROVAL OF MINUTES:**
  - a. **September 20<sup>th</sup>, 2021- Regular City Council Meeting Minutes:** Motion was made to approve the minutes from the September 20<sup>th</sup>, 2021 regular meeting of the Sidney City Council by Alderwoman Sergent and Alderwoman Rasmussen seconded. With no changes or corrections, all present voted aye.
  - b. **September 27<sup>th</sup>, 2021-Street and Alley Committee Meeting:** Motion was made to approve the minutes from the September 27<sup>th</sup>, 2021 Street and Alley Committee Meeting minute by Alderwoman Sergent and Alderman Stevenson seconded. With no changes or corrections, all present voted aye.
5. **VISITORS:**

|   |   |
|---|---|
| <ol style="list-style-type: none"><li>a. Jason Schrader</li><li>b. Mary Berryman-Sidney Herald</li><li>c. Joslynn Popscu</li><li>d. Taylan Hansen</li><li>e. Suttyn Barnhart</li><li>k.</li></ol> | <ol style="list-style-type: none"><li>f. Cloe Go</li><li>g. Gabby Jvarez</li><li>h. Marcus Dy</li><li>i. Ashley Tanner</li><li>j. Jordan Mayer-Interstate Engineering</li></ol> |
|---|---|
6. **PUBLIC HEARING:** Nothing
7. **MAYOR NORBY:**
  - a. **MLCT Virtual Conference October 6<sup>th</sup>-8<sup>th</sup>:** Mayor Norby announced the virtual MLCT Conference will be October 6<sup>th</sup>-8<sup>th</sup>, which he will be presiding over as President and other City Staff will be attending.
8. **COMMITTEE MEETING WORK:**
  - a. **Street and Alley**
    - i. **Ordinance 590:** Alderwoman Christensen stated the Street and Alley Committee met and reviewed Ordinance 590, recommending approval to the ordinance with changes made to take out the 15-day requirement and change Zoning Administrator to Public Works Director.
9. **ALDERMEN REQUESTS AND COMMITTEE REPORTS:** Alderwoman Rasmussen thanked PWD Hintz for stripping next to the People's Congregational Church.
10. **UNFINISHED BUSINESS:** Nothing
11. **NEW BUSINESS:**
  - a. **Franz Variance:** PWD Hintz stated the Board of Adjustments/Zoning Board met and reviewed the variance request of Mr. Franz who was asking to replace his current retaining wall but is within the setbacks. He stated after reviewing they recommended approval. Motion was made to approve the Franz retaining wall variance by Alderwoman Christensen and Alderwoman Sergent seconded. With no further discussion, all present voted aye.
  - b. **Parking Commission-King Handicap Designation at 216 2<sup>nd</sup> Ave SE:** PWD Hintz stated the Parking Commission met and reviewed the request of Mr. King to have a handicap designation for his apartment which is next to the Blend salon, which is still under construction and does not have its parking lot completed. He stated it was their recommendation to allow the designation temporarily during construction. Motion was made to allow the temporary handicap designation at 216 2<sup>nd</sup> Ave SE during construction of The Blend salon by Alderwoman Rasmussen and Alderman Stevenson seconded. With no further discussion, all present voted aye.
  - c. **Bond Council Engagement Letter-Storm Water Utility:** Clerk/Treasurer Chamberlin stated Dan Semmens with Dorsey and Whitney has been the City of Sidney bond counsel on all our SRF loans and the purpose of retaining him now is to ensure our setting up of the storm water utility and rates are done legally and completely. Motion was made to approve the engagement letter for the Storm Water Utility with Dan Semmens of Dorsey and Whitney by Alderwoman Christensen and Alderwoman Rasmussen seconded. With no further discussion, all present voted aye.
12. **CITY PLANNER SANDERSON:**
  - a. **City/County Planning Board:** Planner Sanderson stated since he sent out the documents to the City Council explaining the defunct of the City/County Planning Board and how they had not met in over 2 years, even though they are statutorily required to meet quarterly, he met with the Richland County Commissioners. He stated they would like to continue with the City and County Planning Board and plan to work with the Planning Board Administrator to get all of the appointments filled and the board back to meeting regularly. He stated it would be his recommendation to stay with the County Planning Board, if they start doing what is required, and to fill our appointments. He stated we must officially notice for the appointments, just because they had all expired, but 2 of the 3 positions are still filled. Planner Sanderson stated the Board would not be ready to review, hold a public hearing for and recommend approval of the new subdivision regulations that passed in the 2021 session, so that public hearing will need to take place in front of the City Council at their regular meeting. Motion was made to approve moving forward with staying with the City/County Planning Board and to notice to fill the appointments and the public hearing for the new subdivision regulations by Alderwoman Rasmussen and Alderwoman Sergent seconded. With no further discussion, all present voted aye.
13. **CITY ATTORNEY:**

**October 4<sup>th</sup>, 2021**

- a. **Ordinance 590- Amending City Code 9-1-17 and 11-19-11 Sidewalk Obstructions and Temporary Signs:** City Attorney Kalil read the amended Ordinance 590 out loud for its first reading and recommended approval. Motion was made to approve the first reading of Ordinance 590 by Alderwoman Christensen and Alderwoman Sergent seconded. Captain Rosaaen asked who would be liable should anyone get hurt or anything get damaged from the signs and FM/BI Rasmussen stated the landowner, which is why they must give permission. City Attorney Kalil stated he agreed it would be the landowner and that the City, working under an administrative function to regulate the sidewalks, has immunity for such liability. With no further discussion, the voting went as follows:

**Ayes: Christensen, Stevenson, Rasmussen, Sergent**  
**Nays: None**  
**Absent: Godfrey and Koffler**

**14. CHIEF OF POLICE KRAFT:**

- a. **Update:** Captain Rosaaen stated they completed the car auction the previous week and sold all the vehicles. He further stated there will be the Homecoming Parade on Thursday, which they will close Central Avenue for.

**15. PUBLIC WORKS DIRECTOR HINTZ:**

- a. **Update:** PWD Hintz stated they are wrapping up the paving for the year and the garbage is winding down for the fall. He further stated the sewer department responded to a couple of sewer backup calls, which were not the fault of the City and had a force main break on North Central which they got fixed. He stated the Water Department has been working on the West Holly project.
- b. **4<sup>TH</sup> Ave & West Holly Water Project Draw #10A FINAL and #1B for \$1,593,043.65:** Motion was made to approve the Draws 10A and 1B for \$1,593,043.65 by Alderman Stevenson and Alderwoman Rasmussen seconded. With no further discussion all present voted aye. Mr. Mayer stated the concrete has been poured and they will be starting landscaping and paving this week. He stated this closes out the 4<sup>th</sup> Ave loan, which also included the design of West Holly. He stated that both projects have gone very well, and the city has not had to use the 10% contingency budgeted. Mr. Schrader asked if there is any recourse for the standing water issues on the 4<sup>th</sup> Ave paving and Mr. Mayer stated there is a 1-year warranty for the 4<sup>th</sup> Ave project and a 2-year warranty for the West Holly Project and when it gets close to those marks, the engineers and City will do a walk through and could force the contractors to redo work if this it necessary.
- c. **Nielson-Halvorson Sewer Project Funding:** PWD Hintz stated they met with the SRF and Bond Counsel for the WWTP Phase 3 loan remains to be used on the proposed Nielson-Halvorson Project. He stated there is approximately \$390,000 remaining on the loan with the project costing around \$1,000,000. He stated the rest of the project would be paid for out of Sewer Department Reserves. Clerk/Treasurer Chamberlin stated the unaudited reserve balance in the sewer department at this time is around \$4.9 million. Alderwoman Rasmussen made a motion to approve moving forward with the Nielson-Halvorson sewer project with the funding discussed by PWD Hintz and Alderman Stevenson seconded. With no further discussion, all present voted aye.

**16. FIRE MARSHAL/BUILDING INSPECTOR RASMUSSEN:**

- a. **August 2021 Fire Run Report:** FM/BI Rasmussen provided the August 2021 Fire Run Report. He stated it is Fire Prevention Week so they will be giving tours and presentations at the schools.

**17. CITY CLERK/TREASURER CHAMBERLIN:**

- a. **August 2021 Water/Sewer Bank Transfer of \$238,951.53:** Motion was made to approve the August 2021 Water/Sewer Bank Transfer of \$238,951.53 by Alderwoman Sergent and Alderwoman Rasmussen seconded. With no further discussion, all present voted aye.

**b. Consent agenda**

- i. **Claims to be approved: \$ 106,388.56**
- ii. **Building Permits to be approved:**

|          |                 |                             |                            |                |
|----------|-----------------|-----------------------------|----------------------------|----------------|
| 2022-031 | Cody McGrady    | 1601 Bitterroot Dr.         | L5, B4, North Meadow       | Roof & Tresses |
| 2022-034 | John Grinell    | 118 4 <sup>th</sup> Ave NE  | L2, B33, Original          | Fence          |
| 2022-035 | Tami Maltese    | 820 7 <sup>th</sup> Ave SE  | L3-4, B 00D, Nielsen-Halv. | Fence          |
| 2022-036 | Brian Vine      | 816 7 <sup>th</sup> Ave SE  | L2, B 00D, Nielsen-Halv.   | Fence          |
| 2022-037 | Thomas Barnhart | 208 12 <sup>th</sup> Ave SW | L2, B4, Nels Bach          | Fence          |
| 2022-038 | Eastmont Ent.   | 919 13 <sup>th</sup> St SW  | L20-22, B18, Kenoyer       | Reroof         |
| 2022-039 | Chamber         | 909 S Central               | Kiwanis Park               | Reroof         |

RC

Motion was made to approve the consent agenda with the additional claim by Alderwoman Christensen and Alderwoman Sergent seconded the motion. With no further discussion, all present voted aye.

Meeting was adjourned at 7:06 p.m.

ATTEST:

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MAYOR NORBY

\_\_\_\_\_  
CITY CLERK

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DATE APPROVED